

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1891.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

**REPORT:**

[To accompany H. R. 6388.]

The Committee on Pensions, to whom was referred the bill granting a pension to Peter Peterson, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the bill.

The House report is as follows:

The claimant enlisted as private in Company E, Eighty-third Regiment Illinois Volunteers, July 31, 1862, and was discharged upon surgeon's certificate of disability July 3, 1863, on account of rheumatism. He applied for pension September 1, 1863, alleging rheumatism, disease of lungs, and injury to right hip.

The claim, after a special examination, was rejected on the ground that the records of the War Department tend to show that the only disability shown by medical examination, rheumatism and resulting disease of heart, was not the result of his military service, and that the parol evidence is insufficient to controvert the record.

The record referred to is the certificate of disability, in which it is stated that the soldier is too old and has been unfit for service since enlistment.

On the other hand it is conclusively shown that claimant was only 42 years old at enlistment, or lacking 3 years of the age fixed by law for exemption from military duty; that he was sound and able-bodied at enlistment, and did not become disqualified for the performance of military duty until January, 1863, when stationed in a malarial region of the country.

There is no satisfactory evidence of an injury to right hip, nor of disease of lungs, the latter being evidently a wrong diagnosis of the case.

In the opinion of your committee the claimant should be pensioned for rheumatism and its sequences, and therefore return the bill with the recommendation that it do pass.